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UNCLAS ABUJA 001638

SIPDIS

SENSITIVE

E.O. 12958: N/A

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SUBJECT: A VIEW TO A SPILL: SHELL IN THE SPOTLIGHT

SENSITIVE BUT UNCLASSIFIED, NOT FOR PUBLISHING ON THE  
INTRANET OR INTERNET

1. (SBU) During an early August visit to Port Harcourt, CRO met with the Center for Social and Corporate Responsibility (CSCR), a Port Harcourt-based NGO operating on a grant from Catholic Relief Services, to discuss CSCR's investigation into the major October 2002 oil spill at a Shell trunk line into Battan creek of the Warri area. Two weeks earlier CSCR had met in Warri with senior Shell staff, including an External Relations Manager from London, to present CSCR's findings. CSCR requested that Shell retract its earlier finding of "sabotage," compensate the community for the extensive damage caused by its sub-standard equipment, and apologize publicly to the seven "saboteurs" libeled by the company. Shell agreed to provide compensation in the form of community development assistance to Battan, but postponed further action to a follow-on meeting to be held in Warri in mid-August. That meeting was later postponed because of intensive Itsekiri-Ijaw fighting there.

#### BACKGROUND

2. (SBU) An October 20, 2002 rupture in a 28-inch Shell trunk line conveying crude poured a huge volume of crude into the Battan creek of the Warri area. According to CSCR, Shell pulled together a Joint Investigative Team (JIT) as is the practice in all ruptures or spills, which visited Battan within days of the spill. Unlike the normal composition that would include the local community, this JIT was composed only of personnel from Shell, the federal Ministry of Environment, the Delta State Government, and the police. The JIT then deemed the spill "sabotage" and publicized the names of seven Ijaw youth as "saboteurs." The seven were subsequently picked up by the police. Shell has a strict policy of not paying compensation to communities if a spill is determined the work of saboteurs, and brings in outside contractors to clean up so as not to allow the local community to benefit financially from sabotage.

#### CSCR'S INVESTIGATION

3. (SBU) Responding to the Battan spill, CSCR visited the site, spoke with the community (which had videotaped the results of the rupture) and was given access to the JIT findings, including photographs of the manifold. According to a CSCR official, the gasket lining the manifold was far too old. It corroded and collapsed, allowing a leak that produced great stress on the nuts and bolts holding the manifold together. Ultimately the bolts popped and the manifold opened up. With the manifold lying under 12 feet of water, saboteurs would have had to use diving equipment and still would have faced the likely impossible task of loosening the nuts and bolts in zero visibility as oil gushed out under tremendous pressure.

4. (SBU) The CSCR official also claimed that Shell pressured the JIT members to come to the conclusion that sabotage was the cause of the spill, and that that the ample police participation in the JIT had intimidated the community from trying to get involved in the JIT's work. While acknowledging that Shell, with over 6,000 kilometers of oil pipelines snaking throughout the Delta, is a top target of pipeline vandalization, the CSCR official alleged to CRO that Shell often cites sabotage as the cause for spills that actually resulted from pipe failure or natural accidents in order to avoid liability for the resulting environmental damage. He said that Shell's pipes are over 30 years old, well past their prime by standards in an industry that seeks replacement of pipes in 15 years. Several NGOs and other local observers accuse Shell of using aging equipment that would be barred in the developed world, while hiding behind the very real threat of sabotage to escape from liability for the damage these corroding pipes produce.

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